



05-21-04

#1638
IFW**TRANSMITTAL FORM**

(to be used for all correspondence after initial filing)

Complete if Known

Application Number	10/091,534
Filing Date	March 7, 2002
First Named Inventor	William COPES
Examiner Name	A. Kubelik
Group Art Unit	1638
Attorney Docket Number	N1305-024

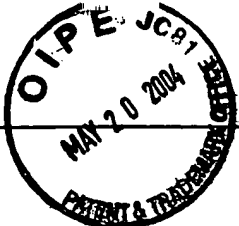
Total Number of Pages in This Submission ____

ENCLOSURES (check all that apply)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers | <input type="checkbox"/> After Allowance Communication to Group |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | 1) Copies of cited references |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

REMARKS:

SUBMITTED BY		Complete (if applicable)	
NAME & REG. NUMBER	Kenyon L. SCHUETT, Reg. No. 44,324		
SIGNATURE	Kenyon L. Schuett	DATE	May 20, 2004
		DEPOSIT ACCOUNT USER ID	



**FEE TRANSMITTAL
for FY 2003
(Large Entity)**

Complete if Known

FEE TRANSMITTAL for FY 2003 (Large Entity)		Application Number	10/091,534
		Filing Date	March 7, 2002
		First Named Inventor	William COPES
		Examiner Name	A. Kubelik
		Group Art Unit	1638
Total Amount of Payment	\$180.00	Attorney Docket Number	N1305-024

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 50-2368 in the name of Jondle & Associates P.C.

☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status

2. ☒ Payment Enclosed

☒ Check

☐ Credit Card

FEE CALCULATION

1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
1001	770	Utility filing fee	[]
1002	340	Design Filing Fee	[]
1003	530	Plant Filing Fee	[]
1004	770	Reissue Filing Fee	[]
1005	160	Provisional Filing Fee	[]

SUBTOTAL \$

2. CLAIMS

	Extra Claims	Fee	Fee
Paid			
Total Claims	[] - 20** = [] x	\$18 =	[]
Independent Claims	[] - 3** = [] x	86 =	[]
Multiple Dependent Claims	+	290 =	[]

**or number previously paid, if greater;

SUBTOTAL \$

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	[]
1052	50	Surcharge - late provisional filing fee or cover sheet	[]
1053	130	Non-English specification	[]
1812	2,520	For filing a request for reexamination	[]
1804	920	Requesting publication of SIR prior to Examiner action	[]
1805	1,840*	Requesting publication of SIR after Examiner action	[]
1251	110	Extension for reply within first month	[]
1252	420	Extension for reply within second month	[]
1253	950	Extension for reply within third month	[]
1254	1,480	Extension for reply within fourth month	[]
1255	2,010	Extension for reply within fifth month	[]
1401	330	Notice of Appeal	[]
1402	330	Filing a brief in support of an appeal	[]
1403	290	Request for Oral Hearing	[]
1451	1,510	Petition to institute a public use proceeding	[]
1452	110	Petition to revive -unavoidable	[]
1453	1,330	Petition to revive - unintentional	[]
1501	1,330	Utility issue fee (or reissue)	[]
1502	480	Design issue fee	[]
1503	640	Plant issue fee	[]
1460	130	Petitions to the Commissioner	[]
1807	50	Processing fee under 37 CFR 1.17(q)	[]
1806	180	Submission of Information Disclosure Statement	[180]
8021	40	Recording each patent assignment per property (times number of properties)	[]
1809	770	Filing a submission after final rejection (37 CFR .129(a))	[]
1810	770	For each additional invention to be examined (37 CFR 1.129(b))	[]
1801	770	Request for Continued Examination (RCE)	[]
1802	900	Request for expedited examination of a design application	[]
1504	300	Publication fee for early, voluntary, or normal publication	[]
1505	300	Publication fee for republication	[]
1455	200	Filing application for patent term adjustment	[]
1456	400	Request for reinstatement of term reduced	[]
1814	110	Statutory Disclaimer	[]
		Other fee (specify)	

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$180

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Kenyon L. Schuett, Reg. No. 44,324		
SIGNATURE		DATE	May 20, 2004
		DEPOSIT ACCOUNT USER ID	



1305-024

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
William COPES)
Serial No. 10/091,534) Examiner: A. Kubelik
Filed: March 7, 2002) Group Art Unit: 1638
For: Inbred Cantaloupe Line 442)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P O Box 1450
Alexandria VA 22313-1450

Dear Sir:

Under the provisions of 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant submits herewith copies of publications that the Office may wish to consider in examination of the subject application. The publications are listed on the attached form PTO-1449.

Attached is our check in the amount of \$180.00 for filing this Information Disclosure Statement. If additional fees are due or overpaid, please use Deposit Account 50-2368 in the name of Jondle & Associates P.C.

Respectfully submitted,

By Kenyon L. Schuett
Kenyon L. Schuett, Reg. No. 44,324
Attorney for Applicants
Jondle & Associates P.C.
9085 E. Mineral Circle, Suite 200
Centennial, CO 80112
Telephone: (303) 799-6444

05/25/2004 MBERHE 00000089 10091534

01 FC:1806

180.00 OP

Enclosure(s):



INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete if Known

Application Number	10/091,534
Filing Date	March 7, 2002
First Named Inventor	William COPEs
Group Art Unit	1635
Examiner Name	A. Kubelik

Sheet	1	of	2	Attorney Docket Number	1305-024
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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
		5,777,196		Michael A. HALL	07-07-1998
		5,948,957		Louis Brian CHAPKO, et al.	09-07-1999
		5,969,212		Robert J. GETSCHMAN	10-19-1999

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee of Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T ⁶
		Office	Number	Kind Code (if known)			

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶
		Adelberg, Jeffrey W., et al., 1994, Explant Origin Affects the Frequency of Tetraploid Plants from Tissue Cultures of Melon, HortScience, Vol. 29(6), pp. 689-692	
		Bennetzen, Jeffrey L., et al., 1992, Approaches and Progress in the Molecular Cloning of Plant Disease Resistance Genes, Genetic Engineering, Vol. 14, pp. 99-124	
		DeBolle, Miguel F.C., et al., 1996, Antimicrobial Peptides from <i>Mirabilis jalapa</i> and <i>Amaranthus caudatus</i> : Expression, Processing, Localization and Biological Activity in Transgenic Tobacco, Plant Molecular Biology, Vol. 31, pp. 993-1008	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code. ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language translation is attached. AB indicates that only an English language abstract is attached.



**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Complete if Known

Application Number	10/091,534
Filing Date	March 7, 2002
First Named Inventor	William COPEs
Group Art Unit	1638
Examiner Name	A. Kubelik

Sheet	2	of	2	Attorney Docket Number	1305-024
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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶
		Ezura, Hiroshi, et al., 1994, Ploidy of Somatic Embryos and the Ability to Regenerate Plantlets in Melon (<i>Cucumis melo</i> L.), Plant Cell Reports, Vol. 14, pp. 107-111	
		Ezura, Hiroshi, et al., 1995, Selection of Somaclonal Variants with Low-temperature Germinability in Melon (<i>Cucumis melo</i> L.), Plant Cell Reports, Vol. 14, pp. 684-688	
		Pang, Sheng-Zhi, et al., 1992, Expression of a Gene Encoding a Scorpion Insectotoxin Peptide in Yeast, Bacteria, and Plants, Gene, Vol. 116, pp. 165-172	
		Zhang, X.P., et al., 1996, Development of Genic Male-sterile Watermelon Lines with Delayed-green Seedling Marker, HortScience, Vol. 31(1), pp. 123-126	

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²Applicant is to place a check mark here if English language Translation is attached.